

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

DOCKET No.: 0480-01211

OF: THYES ET AL.

CONFIRMATION No.: 2952

SERIAL No. 09/889,383

GROUP ART UNIT: 1625

FILED: FEBRUARY 05, 2002

EXAMINER: TAYLOR V. OH

FOR: A PROCESS FOR REDUCING THE CONTENT OF ETHYL 3-DIMETHYL-
LAMINO-2-PHENYLPROPIONATE IN SOLUTIONS OF ETHYL 2-DIME-
THYLAMINO-1-PHENYL-3-CYCLOHEXENE-1-CARBOXYLATE

Honorable Commissioner
for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. §1.111

Sir:

In reply to the Office action of June 23, 2006, it is respectfully requested that the following remarks be entered and considered for further prosecution of the above-identified application:

R E M A R K S

Claims 3 to 8 as presented with applicants' Request for Continued Examination dated September 19, 2005, are currently pending in this application. Claims 1 and 2 were canceled at that time.

The Examiner rejected Claims 3 to 8 under 35 U.S.C. §112, ¶2, as being indefinite for omitting essential steps. The Examiner argued in particular that the claims failed to specify how the ethyl 3-dimethylamino-2-phenyl-propionate was converted into ethyl atropate by eliminating dimethylamine. It is respectfully submitted that Claim 3 specifically sets forth that the respective conversion be conducted¹⁾

... by

providing a solution of the contaminated cis/trans mixture of the ethyl 2-dimethylamino-1-phenyl-3-cyclohexene-1-carboxylate in a

1) Cf. page 4, indicated lines 4 to 10, of the application.